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TO:	FROM:	
Examiner Arthur Duran	Andrew J. Dillon, Reg. No. 29,634	
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Reply Brief	RP9-98-096	

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

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MAR 07 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: Richard W. Chester

Serial No.: 09/248,160

Filed: 02/09/1999

For: S/M FOR INSTALLING
PERSONAL COMPUTER SOFTWARE§
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ATTORNEY DOCKET NO.: RP9-98-096

Examiner: Arthur D. Duran

Art Unit: 3622

REPLY BRIEFMail Stop Appeal Briefs – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Reply Brief is submitted in answer to the Examiner's answer dated January 7, 2005.

Certificate of Transmission/Mailing

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at 703-872-9306 or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on the date shown below.

Typed or Printed Name: Jane GrahamDate: March 7, 2005Signature: Jane Graham

ARGUMENTS

In his Answer the Examiner has responded to Appellants' arguments with respect to the *Stringer* reference by noting that despite Appellants' assertion that *Stringer* teaches the provision of "active and fully usable" software the Examiner believes that *Stringer* does indeed teach the loading of "unusable" software since *Stringer* teaches that the software may be an evaluation copy that is "function limited" wherein "one or more parts" may be disabled. Further, the Examiner notes the belief that *Stringer* teaches that "the user is provided a software product that is unusable until the user enters specific validation or authorization responses" citing column 2, line 49-055.

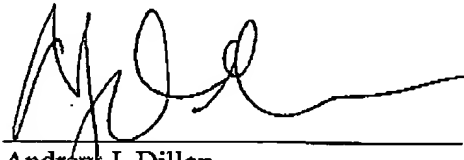
In reply, Appellants' note that "function limited" software or software in which "one or more parts" are disabled cannot possibly be construed as "unusable" software under the ordinary usage of the term "unusable." Indeed, as *Stringer* teaches that the primary purpose of the system disclosed therein is to permit a user to evaluate software it is ingenuous of the Examiner to assert that the software therein is "unusable."

Further, *Stringer*, at column 2, lines 49-55, despite the assertions to the contrary of the Examiner, describes the data access system provided by Enigma Logic of Concord, California, and not the *Stringer* reference which is before the Board.

Applicant respectfully urges favorable action by the Board.

No fee is believed to be required; however, in the event any fees are required, please charge **IBM Corporation's Deposit Account No. 50-0563**. No extension of time is believed to be required; however, in the event any extension is required, please consider that extension requested and please charge any associated fee and any additional required fees to **IBM Corporation's Deposit Account No. 50-0563**.

Respectfully submitted,



Andrew J. Dillon
Reg. No. 29,634
DILLON & YUDELL LLP
8911 N. Capital of Texas Highway
Suite 2110
Austin, Texas 78759
512-343-6116

ATTORNEY FOR APPELLANTS'